

**Chapter 08 - Termination of Active Service**

**CONTENT**

General.....	Part 1
Voluntary Resignations.....	Part 2
Involuntary Non-disability Separation.....	Part 3
Retirement.....	Part 4
Separation or Retirement in the Best Interest of the NOAA Corps .....	Part 5
Disability Retirement or Discharge .....	Part 6

**PART 1 – GENERAL**

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	<b>Section</b>
Termination of Active Service.....	08101
Definitions.....	08102
Report of Transfer or Discharge .....	08103

**Part 1 – General****08101 TERMINATION OF ACTIVE SERVICE**

A. NOAA Corps officers' active duty service may terminate through:

- (1) voluntary resignation;
- (2) involuntary non-disability separation;
- (3) disability discharge;
- (4) voluntary retirement;
- (5) involuntary non-disability retirement; or
- (6) disability retirement.

**08102 DEFINITIONS**

A. A voluntarily resignation is a voluntary requested termination of active service, submitted by a NOAA Corps officer not eligible for retirement, effective upon acceptance by the Director, and on the date specified by the Director, as specified in Part 2 of this chapter.

B. An involuntary non-disability separation is an involuntary termination of active service of a NOAA Corps officer who is not eligible for retirement as specified in Parts 3 and 5 of this chapter. Involuntary non-disability separation may occur for any of the following reasons:

- (1) A revocation of commission upon recommendation of the Officer Personnel Board (OPB) and approval by the Director, that the NOAA Corps officer is not qualified for retention due to his/her unsatisfactory performance. A NOAA Corps officer with less than three years of active service may have his/her commission revoked and active service terminated as specified in NOAA Corps Directives NCD 08301A;
- (2) Twice failing to be selected for promotion to the next higher grade as specified in NCD 08301B;
- (3) As a disciplinary action wherein a NOAA Corps officer has been found to have violated laws, NOAA Corps Directives, or administrative directives applicable to NOAA Corps officers, or committed acts of personal misconduct to the discredit of the NOAA Corps as specified in NOAA Corps Directive (NCD) 08301C; or

**Part 1 - General**

- (4) The involuntary termination of a NOAA Corps officer's active service as recommended by the OPB and determined by the Director, as specified in NCD 08501:
  - (a) that the NOAA Corps officer's performance is at a level below that expected of his/her rank or grade, which fails to indicate potential for future growth or promotion; or
  - (b) when a reduction in strength of the NOAA Corps is necessary.
- C. A disability discharge is a termination of a NOAA Corps officer's active service because of physical or mental condition(s) which make him/her unfit to perform assigned duties. A disability discharge shall be used in cases where a disability rating is below 30 percent as determined by the Department of Veterans Affairs Schedule for Rating Disabilities (VASRD) and the NOAA Corps officer is not otherwise eligible for retirement as specified in Part 6 of this chapter.
- D. A voluntary retirement is a voluntarily requested termination of active service, submitted by a NOAA Corps officer eligible for retirement, effective upon acceptance by the Director, on the date specified by the Director and as specified in NCD 08402.
- E. A involuntary non-disability retirement is the involuntary termination of active service of a NOAA Corps officer who is eligible for retirement as specified in Parts 4 and 5 of this chapter. Involuntary non-disability retirement may occur for any of the following reasons:
  - (1) Non-continuance as specified in NCD 08403;
  - (2) Twice failing to be selected for promotion to the next higher grade as specified in NCD 08401B;
  - (3) As a disciplinary action as specified in NCD 08102B(3);
  - (4) For age or time restrictions as specified in NCD 08401B; or
  - (5) Retirement in the best interest of the NOAA Corps which is involuntary termination of a NOAA Corps officer's active service as specified in NCD 08102B(4).

**Part 1 - General**

- F. Disability retirement is the transfer of a NOAA Corps officer to either the Temporary Disability Retirement List or the Permanent Disability Retirement List because of physical or mental condition(s) that make the NOAA Corps officer unfit to perform his/her duties as specified in Part 6 of this chapter.

**08103 REPORT OF TRANSFER OR DISCHARGE**

- A. The Report of Transfer or Discharge (RTD) (NOAA Form 56-16) is issued to all NOAA Corps officers discharged from active duty, regardless of character of service, and to all officers transferred to the Retired List, except NOAA Corps officers who:
  - (1) are found physically disqualified upon reporting to active duty;
  - (2) die on active duty; or
  - (3) are transferred to the Retired List and continue on active duty, otherwise known as recall (see NCD Chapter 15). In this case, it will be issued upon actual release from active duty.
- B. The RTD provides the NOAA Corps officer with a record of his/her active service. It also provides agencies, such as the Department of Veterans Affairs (VA), with authoritative information, which they require in the administration of Federal laws applying to personnel discharged from active duty service. It is comparable to the DD Form 214 issued to members of the Armed Forces.
- C. The Commissioned Personnel Center shall be responsible for preparation and issuance of the RTD.

**PART 2 – VOLUNTARY RESIGNATIONS**

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	<b>Section</b>
Policy .....	08201
Tender of Resignation.....	08202
Medical Examination.....	08203
Administrative Requirements .....	08204

**Part 2 – Voluntary Resignations****08201 POLICY**

- A. The Director prescribes criteria for the voluntary termination of a NOAA Corps officer's commission. [Executive Order 11023, May 28, 1962; delegations]
- B. A resignation has no effect until it is accepted and approved by the Director. The Director may approve a request to withdraw a tendered or approved resignation, or a change in the effective date of separation, provided such request is approved before the separation is effected. All requests for withdrawal or change of effective date shall be submitted through the chain of command and contain a justification for the requested action.
- C. A NOAA Corps officer who tenders a resignation and departs from his/her place of duty before acceptance of the resignation is absent without official leave (AWOL). In such cases, the resignation will not be accepted and the NOAA Corps officer's discharge will be characterized as "under other than honorable conditions".
- D. A NOAA Corps officer who resigns before the completion of three years' service (from the date of his/her last entry on active duty) may be divested of entitlement to any or all travel and transportation allowances to which otherwise entitled under the provisions of Volume 1, Joint Federal Travel Regulations (JFTR). The Director shall not waive the provisions of this paragraph unless hardship or other mitigating circumstances prevail. [JFTR, paragraph U7655]

**08202 TENDER OF RESIGNATION**

- A. NOAA Corps officers shall tender their resignations a minimum of six months before the date of their desired separation. The Director, based on the needs of the NOAA Corps, shall determine the actual date of separation. A NOAA Corps officer due for an assignment rotation shall tender a resignation at least six months before the date of rotation. The Director may waive these time limits.
- B. The following procedure will be observed when a NOAA Corps officer tenders a resignation request:
  - (1) All letters of resignation shall be addressed to the Director, and forwarded through the chain of command, including the NOAA Corps officer's organization element.
  - (2) Chain of command endorsements shall indicate whether the requested resignation date is compatible with the program office and the NOAA Corps Officer's assigned responsibilities and, when appropriate, recommend an alternative resignation date.

**Part 2 – Voluntary Resignations**

- (3) The NOAA Corps officer's immediate supervisor shall discuss with the NOAA Corps officer the reasons prompting the resignation, ensuring that the NOAA Corps officer is aware of all aspects of the proposed action. The fact that this counseling has been accomplished shall be noted in the supervisor's endorsement.
- C. The following statements are to be included in a letter of resignation:
- (1) "I hereby submit my resignation from the NOAA Corps, and request that it be accepted effective (fill in desired date)."
  - (2) "To my knowledge, I am (not) financially indebted to the Government of the United States." (If knowledge of indebtedness to the Government does exist, this statement should indicate the amount of indebtedness and the schedule established for repayment.)
  - (3) "My reason for resigning is (fill in)." (Give a precise reason. While there is no desire to pry into the personal affairs of officers, NOAA is interested in learning for its own information the reasons why it's officers voluntarily resign.)

**08203 MEDICAL EXAMINATION**

- A. A NOAA Corps officer cannot be retired for disability after resigning from the NOAA Corps. The resignation medical examination is a method of assuring that a potential right to disability retirement is protected (see NCD Chapter 3, Part 1). It may also have a direct bearing on any Veterans Affairs determination relative to medical or dental benefits and to claims for a service-connected disability.
- B. It is the responsibility of the NOAA Corps officer requesting a resignation to obtain a resignation medical examination within six months preceding the resignation in accordance with NCD Chapter 3, Part 1.
- C. A NOAA Corps officer who does not complete a medical resignation examination shall furnish the Director, CPC, with a statement to that effect. The NOAA Corps officer shall also state that it is understood that, after resigning from the NOAA Corps without a medical examinations, receiving a disability retirement for any disease or injury incurred in or aggravated while serving in the NOAA Corps cannot be effected.



**Part 2 – Voluntary Resignations****08204 ADMINISTRATIVE REQUIREMENTS**

- A. Sixty days before the last day of active duty, the NOAA Corps officer shall submit to the Director, CPC, a letter, stating the dates of any annual leave to be taken during the last 45 days of service. Terminal leave is not authorized in conjunction with a resignation request (see NCD Chapter 6, Part 1).
- B. Before the last day of duty, the NOAA Corps officer shall submit to the Director, CPC, notification of a permanent mailing address where all correspondence shall be sent.
- C. The NOAA Corps officer shall forward to the Director, CPC, via the supervisor, a separation clearance letter to account for all outstanding Government sponsored correspondence course materials.
- D. The NOAA Corps officer is required to schedule a security debriefing with the NOAA Office of Security and to notify the Chief, Officer Services Division, as to when the security briefing will take place.
- E. On the NOAA Corps officer's last day of duty, the Supervisor shall:
  - (1) notify the Director, CPC, (via endorsed orders) of the NOAA Corps officer's last day of duty;
  - (2) furnish an itemized list of Government property turned in or accounted for on the Separation Clearance Certificate (CD-126). If publications or other property are transferred instead of returned, documentation is required;
  - (3) forward the following items to the Director, CPC:
    - (a) DD Form 1172-2 – Department of Defense Common Access Card;
    - (b) DD Form 1173 – Uniformed Services Identification and Privilege Card(s) for dependents;
    - (c) Government Credit Card(s);
    - (d) Medical Facility Cards;
    - (e) Service Etiquette Book; and
  - (4) submit a final Fitness Report for Commissioned Officers (NOAA Form 56-12) in accordance with NCD Chapter 4, Part 4 to the Director, CPC.

**PART 3 – INVOLUNTARY NON-DISABILITY SEPARATION**

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	<b>Section</b>
Policy .....	08301
Separation Pay .....	08302
Medical Examinations and Administrative Procedures .....	08303

**Part 3 - Involuntary Non-disability Separation****08301 POLICY**

- A. As recommended by the Officer Personnel Board (OPB) and approved by the Director, the commission of any NOAA Corps officer shall be revoked during his/her first three years of commissioned service, if the NOAA Corps officer is determined not to be qualified for retention. [33 U.S.C. 3021(a)(4) and 3023(b)] If a NOAA Corps officer in the permanent grade of ensign is at any time found not fully qualified (see NCD 04203), the NOAA Corps officer's commission shall be revoked and the NOAA Corps officer shall be separated (see NCD 04209). [33 U.S.C. 3023(b)] The Director shall determine the effective date of separation.
- B. The Director shall separate any or retire if eligible NOAA Corps officer in the permanent grade of lieutenant or lieutenant commander who twice in succession fails selection for promotion and who is not recommended for continuation of duty by the OPB (see NCD 04203 and 04209). [10 U.S.C. 637(a)(1)] However, if a lieutenant or lieutenant commander is continued on duty and the NOAA Corps officer is within two years of qualifying for retirement when the continuation of duty expires, the NOAA Corps officer shall be retained on active duty until qualified for retirement. [33 U.S.C. 3022(b)(2), 3041(a)(2), 3048; 10 U.S.C. 637(a)(5)]
- C. A NOAA Corps officer may be involuntarily separated as a result of a formal disciplinary proceeding (see NCD Chapter 7). If a disciplinary action has been commenced against a NOAA Corps officer with a possibility of removing that NOAA Corps officer from the NOAA Corps, and the NOAA Corps officer is scheduled to be separated or retired in accordance with applicable retirement laws, the Director may delay the date of retirement of the NOAA Corps officer until the completion of the disciplinary action. [33 U.S.C. 3048; 10 U.S.C. 639]
- D. As recommended by the OPB, the Director may separate a NOAA Corps officer in the permanent grade of lieutenant (junior grade), lieutenant or lieutenant commander, provided it is in the best interest of the NOAA Corps (See Part 5 of this chapter). [33 U.S.C. 3022, 3041(a)(2)]
- E. In any fiscal year, the total number of NOAA Corps officers selected for involuntary separation under this part, plus the number selected for involuntary non-disability retirement under NCD 08403, plus the number retired for age, may not exceed the whole number nearest four percent of the total number of NOAA Corps authorized strength to be on the active list, except as otherwise provided by law. [33 U.S.C. 3041(b)]

**Part 3 – Involuntary Non-disability Separation****08302 SEPARATION PAY**

- A. A NOAA Corps officer who is involuntarily separated, and who has completed more than three years of continuous active duty service immediately before that separation, is entitled to separation pay, unless the Director determines that the conditions under which the NOAA Corps officer is separated does not warrant payment.
- B. Separation pay for a NOAA Corps officer who has completed six or more years of continuous active duty service immediately before being involuntarily separated, will be computed as follows: 10 percent of the product of (A) the years of active service creditable to the NOAA Corps officer, and (B) 12 times the monthly basic pay to which the NOAA Corps officer was entitled at the time of separation. [33 U.S.C. 3042(b)(1)]
- C. Separation pay for a NOAA Corps officer who has completed three but fewer than six years of continuous active service immediately before being involuntarily separated will be computed as follows: one-half the amount computed in Section B above. [33 U.S.C. 3042(b)(2)]

**08303 MEDICAL EXAMINATIONS AND ADMINISTRATIVE PROCEDURES**

- A. The provisions of NCD 08203 and NCD 08204 are applicable to NOAA Corps officers separated pursuant to this directive.

**PART 4 – RETIREMENT**

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	<b>Section</b>
Policy .....	08401
Voluntary Retirement.....	08402
Involuntary Retirement .....	08403
Preretirement Medical Examination .....	08404
Administrative Requirements .....	08405
Retired Grade .....	08406
Retired Pay .....	08407
Post-Retirement Activities .....	08408

**Part 4 – Retirement****08401 POLICY**

- A. The NOAA Corps' voluntary retirement system is structured so NOAA Corps officers may ask to retire voluntarily at any time between 20 and 30 years of active duty service.
- B. A NOAA Corps officer, if eligible for retirement, may be retired involuntarily because of failure to be selected for promotion, disciplinary proceeding, age, or upon recommendation of the OPB when it is deemed to be in the best interest of the NOAA Corps. [33 U.S.C. 3041, 3043]

**08402 VOLUNTARY RETIREMENT**

- A. To be eligible for voluntary retirement, a NOAA Corps officer must have completed at least 20 years of active service of which 10 years was service as a commissioned officer. [33 U.S.C. 3044]
- B. A NOAA Corps officer desiring voluntary retirement shall submit a retirement request at least six months before the desired retirement date.
- C. A request for retirement shall be in memorandum form, addressed to the Director, and forwarded through the NOAA Corps officers chain of command.
- D. Retirement requests shall be processed through the chain of command and endorsements thereon shall indicate whether the requested retirement date does not adversely disrupt or affect the continued and effective operations of the program to which the NOAA Corps officer is currently assigned. If appropriate, an alternate date shall be suggested.
- E. A voluntary retirement request will, at a minimum, contain the following: "Having completed (insert number) years of active service, I request transfer to the Retired List to be effective on the first day of (insert month and year). To my knowledge, I am (am not) financially indebted to the Government." (If knowledge of indebtedness exists, indicate the amount of indebtedness and the schedule established for repayment).
- F. The Director will specify the approved effective date of transfer to the Retired List in a memorandum to the NOAA Corps officer. The date of transfer specified shall be the first day of the month. The last day of active duty is the last day of the month before the effective date of transfer.

**Part 4 - Retirement**

- G. Based on the needs of the NOAA Corps, the Director, may approve a request to withdraw a tendered or approved retirement, or to change the effective date, provided such request is approved before the effective retirement date. All requests under this paragraph shall be addressed to the Director and submitted through the chain of command containing sufficient justification to change the retirement date.

**08403 INVOLUNTARY RETIREMENT**

- A. A NOAA Corps officer serving in the permanent grade of captain shall be considered by the Officer Personnel Board (OPB) for continuance on active duty upon completion of 30 years of active service as a NOAA Corps officer. [10 U.S.C. 637(b)(1)] The OPB shall review each NOAA Corps officer on a case-by-case basis therefore no zone shall be established. Recommendations for continuation on active duty shall be based on the needs of the NOAA Corps.
- B. A NOAA Corps officer serving in the permanent grade of lieutenant or lieutenant commander, who has twice in succession failed selection for promotion and is eligible for retirement, shall be considered who may recommend such continuance on active duty by the OPB. [10 U.S.C. 637(a)(1)]
- C. Any OPB convened under NCD 08403A or 08403B shall submit its recommendations to the Director. NOAA Corps officers not recommended for continuation shall, unless retired under some other provision of law, be retired on the first day of the sixth month after the Director's approval of the OPB's recommendation, unless the NOAA Corps officer concerned requests an earlier retirement date. [33 U.S.C. 3041]
- D. A commander or captain may be involuntarily retired after the Director's approval of the OPB's recommendation(s). [33 U.S.C. 3041(a)]
- E. NOAA Corps officers serving in a permanent grade of captain or below who have attained the age of 62 shall be placed on the Retired List effective on the first day of the month following the NOAA Corps officer's 62<sup>nd</sup> birthday. [33 U.S.C. 3043(a)] NOAA Corps officers serving in any grade above captain who have attained the age of 64, shall be placed on the Retired List on the first day of the month following the NOAA Corps officer's 64<sup>th</sup> birthday. The Director may defer placing a NOAA Corps officer serving in any grade above captain on the Retired List for the length of time deemed necessary to fulfill the duties of the assignment that the NOAA Corps officer is in, but not later than the officer's 64th birthday. [33 U.S.C. 3043(b)]

**Part 4 - Retirement**

- F. As recommended by the OPB, any NOAA Corps officer serving in the permanent grade of commander or captain may be considered for retirement in the best interest of the NOAA Corps. [33 U.S.C. 3041(a)(1)]
- G. In any fiscal year, the total number of NOAA Corps officers selected for involuntary retirement under this section, plus the number selected for involuntary separation under NCD 08301, plus the number retired for age, may not exceed the whole number nearest four percent of the total number of the NOAA Corps' authorized strength, except as otherwise provided by law. [33 U.S.C. 3041(b)]

**08404 PRERETIREMENT MEDICAL EXAMINATION**

- A. A preretirement medical examination is required of all retiring NOAA Corps officers except for those officers taking disability retirement.
- B. Prior to a NOAA Corps officer taking his/her preretirement medical examination, the officer's official medical record shall be forwarded to the Director, Office of Health Services and Pastoral Care (OSHPC) in NOAA Marine and Aviation Operations (NMAO). The Director, OSHPC, will determine if any special consultations or workups are needed so that all necessary tests and procedures can be accomplished during the pre-retirement medical examination.
- C. Involuntary retirement dates are fixed. [33 U.S.C.3041(c)] NOAA Corps officers scheduled for involuntary retirement must obtain the pre-retirement medical examination at a minimum of 60 days and a maximum of six months before the approved retirement date to permit resolution of minor physical problems, or if indicated, to permit completion of physical disability retirement processing, before the date approved for statutory retirement. A delay in submission or approval of the pre-retirement examination will also delay the issuance of retirement orders.
- D. The Director must be advised when a NOAA Corps officer awaiting retirement is hospitalized.

**08405 ADMINISTRATIVE REQUIREMENTS**

- A. The administrative requirements detailed in NCD 08204 applies to all NOAA Corps officers, whether voluntarily or involuntarily retirement.
- B. For purposes of NCD 08204, the last day of duty for NOAA Corps officers taking terminal leave is the day before departure upon terminal leave.



**Part 4 - Retirement****08406 RETIRED GRADE**

- A. Each NOAA Corps officer retired, pursuant to any provision of law, shall be placed on the Retired List with the highest grade satisfactorily held on active duty, including active duty pursuant to recall, under permanent or temporary appointment. [33 U.S.C. 3046] Each NOAA Corps officer must complete two years time in grade by the date of retirement.

**08407 RETIRED PAY**

- A. Information regarding retired pay calculation and rates may be obtained from the NOAA Corps Payroll Unit or from the Under Secretary of Defense's (Comptroller) Payroll Unit, Military Pay Policy and Procedures - Retired Pay website:  
<http://www.dtic.mil/comptroller/fmr/07b/index.html>

**08408 POST-RETIREMENT ACTIVITIES**

- A. Under a federal conflict of interest statute (18 U.S.C. 207), retired NOAA Corps officers are permanently barred from representing any other person before a federal agency or court concerning any particular matter involving specific parties in which such NOAA Corps officers participated personally and substantially as federal employees. In addition, a retired NOAA Corps officer is barred for two years from representing any other person or entity before a federal agency or court concerning any particular matter involving specific parties which was pending under the NOAA Corps officer's official responsibility during his/her last year of employment.
- B. The Emoluments Clause of the United States Constitution prohibits the employment of federal officers or employees by a foreign government without the consent of Congress. [U.S. Const. Art. I, section 9, cl.8] This prohibition applies to retired members of the uniformed services. [58 Comp. Gen. 487(1979)] A federal statute grants the consent of Congress required by this clause to retired members of the uniformed services to accept foreign civil employment and compensation, subject to the approval of the Secretary of State and the Secretary of the retired member's service. [37 U.S.C. 908] However, Congressional consent and Secretarial approval are not required, for the employment of the retired members of the uniformed services by foreign corporations that maintain separate identities and do not become mere agents or instrumentalities of the foreign government. [62 Comp. Gen. 432 (1983)]

**PART – 5 SEPARATION OR RETIREMENT IN THE BEST INTEREST OF THE NOAA CORPS**

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	Section
Policy .....	08501
Show Cause Proceedings .....	08502
Records Examination Board .....	08503

**Part – 5 Separation or Retirement in the Best Interest of the NOAA Corps****08501 POLICY**

- A. A NOAA Corps officer's separation or retirement is considered to be in the best interest of the NOAA Corps for either of the following reasons:
  - (1) performance is at a level below that expected of a NOAA Corps officer of his/her rank or grade, and which fails to indicate potential for future growth or promotion; or
  - (2) when a reduction in strength of the NOAA Corps is necessary.
- B. As recommended by the Officer Personnel Board (OPB), the Director, may, in the best interest of the NOAA Corps [33 U.S.C. 3041]:
  - (1) retire a NOAA Corps officer in the permanent grade of commander or captain; or
  - (2) separate a NOAA Corps officer in the permanent grade of lieutenant (junior grade), lieutenant, or lieutenant commander who is not qualified for retirement.

See Part 3 of this chapter regarding Involuntary Non-disability Separation.

**08502 SHOW CAUSE PROCEEDINGS**

- A. Upon recommendation for separation or retirement in the best interest of the NOAA Corps, the NOAA Corps officer concerned shall be notified, before a final decision, of his/her right to show cause as to why the discharge or retirement should not be effected.
- B. If the NOAA Corps officer does not elect to exercise the right to show cause within 20 days of receipt of the notification, or states in writing a desire not to elect to exercise such a right, separation or retirement shall be effected on the first day of the sixth month following the date of approval by the Director. If the NOAA Corps officer requests an earlier separation or retirement date, that date shall be determined by the Director. [33 U.S.C. 3041(c)]

**Part 5 – Separation or Retirement in the Best Interest of the NOAA Corps**

- C. If the NOAA Corps officer elects to exercise the right to show cause, the Director will provide the NOAA Corps officer with the opportunity to appear before the OPB or submit any evidence to the OPB. The NOAA Corps officer will be allowed 30 days to prepare his/her showing of cause. A complete record of the OPB's proceedings will be forwarded to the Director for review before a final determination is made. The NOAA Corps officer shall be given the right to review the record and include a statement regarding any disagreement with the record as submitted.
- D. When a personal appearance to show cause is requested, the following rights accrue, provided there is no cost to the Government:
- (1) the NOAA Corps officer may be represented by a person of his/her choice;
  - (2) the NOAA Corps officer may request any witnesses who have direct knowledge of the case, and reasonable efforts shall be made to obtain witnesses so requested;
  - (3) the NOAA Corps officer may submit evidence by affidavit or otherwise to the OPB; and
  - (4) the NOAA Corp officer may question witnesses called by the OPB.
- If the NOAA Corps officer is represented, the OPB will be provided with counsel from the Department of Commerce's Office of General Counsel.
- E. At any time during show cause proceedings, the Director may grant a request by the NOAA Corps officer for separation or retirement. When granting such a request, the Director shall, in the case of proceedings brought under NCD 08501A(1) or 08501A(2), honorably discharge the NOAA Corps officer in the grade then held.

**08503 RECORDS EXAMINATION BOARD**

- A. A NOAA Corps officer may request in writing that the Director appoint a Records Examination Board (REB) to determine whether or not information contained in his/her Official Personnel File (OPF) should be corrected or removed. The request must identify the specific information in the OPF which is to be reviewed. Such a request shall be submitted within 20 days of receipt of notification of recommendation for separation or retirement in the best interest of the NOAA Corp. At the discretion of the Director, a REB of at least three NOAA Corps officers, senior in rank to the NOAA Corps officer involved, who has not in any way participated in the separation or retirement recommendation, may be appointed to the REB. The REB shall receive any evidence the NOAA Corps officer submits and shall make appropriate recommendations to the Director concerning corrections, deletions, or additions to the NOAA Corps officer's OPF. The process of requesting a REB shall not be used by any NOAA Corps officer as an attempt to reverse or appeal a decision by the Director.

**Part 5 – Separation or Retirement in the Best Interest of the NOAA Corps**

- B. A request by a NOAA Corps officer for an REB shall entitle the NOAA Corps officer to present evidence either in person or by affidavit to the REB. A summary of such proceedings, along with the REB's recommendation, shall be shown to the NOAA Corps officer concerned before submission to the Director. If the NOAA Corps officer disagrees with the summary of the record or the recommendations of the REB, the NOAA Corps officer may submit in writing to the Director, the reasons for disagreement. If the Director decides that a correction to the information contained in the OPF is warranted, the corrected OPF shall be remanded to the OPB for reconsideration of its original recommendation. A show cause proceeding under NCD 08502 will be delayed pending a decision by the Director on the recommendation of an REB.

**PART 6- DISABILITY RETIREMENT OR DISCHARGE**

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	Section
Policy .....	08601
Fitness For Duty Determination.....	08602
Physical Standards .....	08603
Service Incurred or Aggravated Disability .....	08604
Line of Duty Disability .....	08605
Proximate to Duty Disability .....	08606
Rating of Disability.....	08607
Disposition of Exceptional Cases .....	08608
Request for Fitness Evaluation .....	08609
Medical Examination .....	08610
NOAA Corps Officer's Rights.....	08611
Disability Retirement .....	08612
Disability Retired Grade .....	08613
Effective Date of Disability Retirement or Discharge.....	08614
Disability Severance Pay .....	08615
Provisions of Other References .....	08616

**Part 6 – Disability Retirement or Discharge****08601 POLICY**

- A. A NOAA Corps officer who demonstrates the ability to perform his/her assigned duties will be presumed to be fit for duty up to the time of disability retirement or discharge. An exception may occur if it is shown that a NOAA Corps officer has been improperly retained on active duty or has incurred a new condition or aggravated a previously diagnosed condition. In some cases, a NOAA Corps officer found fit at the time of disability retirement or discharge may have a service-connected defect that can affect his/her potential for civilian employment. Such NOAA Corps officers may apply to the Department of Veterans Affairs (VA) for adjudication of a claim for disability compensation.
- B. NOAA Corp officers will not be authorized disability retirement or discharge solely for the purpose of increasing personal benefits.

**08602 FITNESS FOR DUTY DETERMINATION**

- A. To be eligible for disability retirement or discharge, a NOAA Corps officer must be found unfit to perform their assigned duties because of one or more physical or mental conditions. The disabling condition must be permanent in nature or one which may become permanent. In some cases, a finding of unfitness may be based solely on medical facts. In other cases, a fitness report by a NOAA Corps officer's supervisor may provide better evidence regarding the fitness of the NOAA Corps officer than an evaluation by an examining physician based on medical facts alone. The fact that a NOAA Corps officer has a medical condition which could, under certain circumstances, render the individual unfit for duty, does not make the NOAA Corps officer unfit. A cause-effect relationship between the NOAA Corps officer's inability to perform and his/her physical condition must be established.

**08603 PHYSICAL STANDARDS**

- A. A NOAA Corps officer is fit for duty when able to perform the assigned duties of his/her duty level as described in NCD 08603D.
- B. A NOAA Corps officer may be considered fit for limited duty when able to perform only the duties of a fixed shore billet. A medical condition used as a basis for placing a NOAA Corp officer in a limited duty status must be:

**Part 6 – Disability Retirement or Discharge**

- (1) a reasonably stabilized condition or one which progresses very slowly;
- (2) a condition which the U.S. Public Health Service Medical Review Board determines would not be deleterious to the NOAA Corps officer or to others by continuation on active duty; and
- (3) a condition that does not require an inordinate amount of medical care or use of sick leave.

A NOAA Corps officer retained on active duty under such conditions shall be re-examined at least annually or as recommended by the Director, Office of Health Services and Pastoral Care (OHSPC).

- C. A NOAA Corps officer not fit for full or limited duty will be considered unfit for active duty.
- D. The duty level at which a NOAA Corps officer is classified is based on the general category of duty anticipated for his/her rank and experience. Generally, a NOAA Corps officer will be classified in one of the following duty levels:
  - (1) Duty Level 1 is for a NOAA Corps officer with less than 10 years of active service. The NOAA Corps officer is required to meet the standards for unrestricted duty at sea or ashore with no restrictions as to severity of weather conditions or duration of time at sea; or conditions of landing, working, and living on any coast or terrain, domestic or foreign. Duty at this level includes being away from an immediate source of medical care. If found "fit for limited duty," a NOAA Corps officer in this duty level shall be separated as provided by law.
  - (2) Duty Level 2 is for a NOAA Corps Officer with at least 10 but less than 18 years of active duty service. The NOAA Corps officer is required to meet the standards prescribed for duty level 1 but normal activities will be less arduous. Duty at this level also includes being away from an immediate source of medical care. If found "fit for limited duty," a NOAA Corps officer in this duty level may be separated or retired as provided by law but under conditions determined by the Director to be in the best interest of the Government.
  - (3) Duty Level 3 is for a NOAA Corps officer with eighteen or more years of active duty service. The NOAA Corps officer is required to qualify for duty at sea and ashore. Sea duty assignments within this duty level require the officer to meet standards for command responsibilities.



**Part 6 – Disability Retirement or Discharge**

A NOAA Corps officer in this duty level will not be required to undertake field operational duties entailing regularly scheduled beach landings or work ashore under arduous conditions. Shore assignments within this duty level normally will require the NOAA Corps officer to meet standards for office (administrative) responsibilities. If found "fit for limited duty," a NOAA Corps officer within this level will be considered for continued active service under conditions determined by the Director to be in the best interest of the Government. If not continued in active service, the NOAA Corps officer will be separated or retired as provided by law under conditions that are in the best interest of the NOAA Corps.

**08604 SERVICE INCURRED OR AGGRAVATED DISABILITY**

- A. To be eligible for disability benefits, a NOAA Corps officer found unfit because of physical disability must have acquired such disability while on active duty. The disability may be because of a condition incurred on active duty or because of a pre-existing condition that was aggravated while on active duty. The presumption is made that a NOAA Corps officer was physically fit upon entering active duty and any condition incurred or aggravated subsequently is considered NOAA Corps connected with the following exceptions:
- (1) physical disabilities noted at the time of the NOAA Corps officer's appointment physical examination or call to active duty and no NOAA Corps service aggravation of the disability has occurred. "Natural progression" of a disease is not considered NOAA Corps service aggravation;
  - (2) abnormalities discovered subsequent to entry on active duty that impel the conclusion that they must have existed or have originated before entry on active duty. However, any condition that becomes disabling after 180 days of active service will be sufficient evidence of NOAA Corps service connection unless the NOAA Corps officer willfully withheld information that would have established the pre-existence of the disabling condition; or
  - (3) any expected disability occurring as a result of necessary treatment of a condition that was not NOAA Corps service incurred or aggravated.
- B. To rebut a presumption of NOAA Corps service incurred or service aggravated disability a reasonable doubt of evidence to the contrary must be present. Medical opinions alone are not sufficient. There must be evidence based on well established medical principles that preclude a reasonable doubt.

**Part 6 – Disability Retirement or Discharge****08605 LINE OF DUTY DISABILITY**

- A. A disability incurred while on active duty must also be incurred in the line of duty to qualify a NOAA Corps officer for disability benefits. In general, a condition acquired or aggravated while on active duty will be considered to have occurred in the line of duty unless incurred under the following conditions:
- (1) as a result of the NOAA Corps officer's intentional misconduct;
  - (2) while absent without leave (AWOL); or
  - (3) as a result of the NOAA Corps officer's willful neglect. [10 U.S.C. 1201]
- B. The presumption is made that any disability incurred while on active duty is not caused by the NOAA Corps officer's intentional misconduct (including AWOL) or willful neglect. In cases where information exists or circumstances otherwise indicate that misconduct or willful neglect may be involved, the U.S. Public Health Service Medical Review Board (MRB) will advise the Director and request that an administrative determination be made. Such cases include, but are not necessarily limited to, illnesses or injuries:
- (1) resulting from motor vehicle accidents;
  - (2) occurring while on unauthorized leave;
  - (3) associated with or possibly associated with the abuse of alcohol or drugs;
  - (4) occurring while committing a felony; or
  - (5) resulting from attempted self-destruction.

**08606 PROXIMATE TO DUTY DISABILITY**

- A. Except in time of war or national emergency, and in order to qualify for disability benefits, a NOAA Corps officer with less than eight years of active duty must have incurred a physical disability proximate to the performance of duty, or the disability must be incurred in line of duty after September 14, 1978. To be considered "proximate" the incurrence of a disability must have a direct relationship to the performance of duties and is more limiting than line of duty. A disabling injury occurring while on leave would not be considered a proximate result of active duty but would be in line of duty. NOAA Corps officers recalled to active duty for 30 days or less, a determination of "proximate result" applies at all times in determining eligibility for disability benefits.

**Part 6 – Disability Retirement or Discharge****08607 RATING OF DISABILITY**

- A. When it has been determined that a NOAA Corps officer is eligible for disability benefits, the disability must be rated using the Department of Veterans Affairs Schedule for Rating Disabilities (VASRD) as modified by DOD Directive 1332.18, Separation or Retirement for Physical Disability. Although a medical condition is ratable according to VASRD, it does not necessarily constitute a disability for which NOAA Corps officer's retirement or discharge disability benefits will be granted. The Director has the authority to assign ratings in unusual cases if it can be documented that VASRD does not reflect the true nature of the disability.

**08608 DISPOSITION OF EXCEPTIONAL CASES**

- A. A NOAA Corps officer found unfit because of a permanent disability ordinarily cannot be retained on active duty even though further hospitalization may be required. The NOAA Corps officer normally will be discharged, placed on the Temporary Disability Retired List (TDRL), or permanently retired. However, with the consent of the NOAA Corps officer, the Director may defer disposition of the case if the NOAA Corps officer can still serve within appropriate assignment limitations (see NCD 08603) and the disability is stable or only slowly progressive and does not require extensive medical care or jeopardize the NOAA Corps officer's health.

**08609 REQUEST FOR FITNESS EVALUATION**

- A. Usually a fitness evaluation will be initiated by the Director, or by a uniformed services medical facility, as a result of a NOAA Corps officer's hospitalization. A fitness evaluation may be initiated also through one of the following mechanisms:
- (1) A NOAA Corps officer may request in writing, that the Director initiate a fitness evaluation when he/she feels unable to perform the duties of their assigned rank because of medical reasons;
  - (2) A aircraft commander, commanding officer or supervisor may initiate a fitness evaluation of a NOAA Corps officer when an unacceptable performance of the NOAA Corps officer's duties are suspected to be the cause of medical reasons, e.g., there has been excessive use of sick leave (90 days of continuous sick leave or 120 days in a 12-month period). A detailed description of the performance limitations must accompany the request; or
  - (3) Factors such as the following are not to be used as the sole basis for initiating a fitness evaluation:

**Part 6 – Disability Retirement or Discharge**

- (a) the NOAA Corps officer is awaiting voluntary or involuntary retirement or discharge, unless a marked change in the NOAA Corps officer's physical status occurs that significantly affects his/her ability to perform. The presence of a ratable medical disability under VASRD does not, make a NOAA Corps officer eligible for disability retirement;
- (b) there is an inability to physically qualify for specialized duties requiring a high degree of physical fitness; or
- (c) there is an inability to physically qualify for transfer to another uniformed service.

**08610 MEDICAL EXAMINATION**

- A. A complete medical examination of the NOAA Corps officer will be conducted at a uniformed services medical facility by a Medical Board (MB). The MB procedures of the facility will be used and completed reports sent to the Director for referral to the U.S. Public Health Service Medical Review Board (MRB) for recommendation regarding fitness and disability rating.
- B. If the MRB finds it to be in the best interest of the Government and the NOAA Corps officer, it may, at its discretion, accept medical examinations from either Government or private sources as the basis for making a determination of fitness. Use of non-board medical examinations generally will be limited to cases where the diagnosis is well established by convincing evidence and the disabling effects of the illness or injury are incontrovertible.

**08611 NOAA CORPS OFFICER'S RIGHTS**

- A. A NOAA Corps officer undergoing disability evaluation has the right to review the findings of medical examinations to be used in determining physical fitness. It is the policy of uniformed services medical facilities to provide the NOAA Corps officer with this opportunity at the conclusion of the medical examination. In cases where information from other medical sources is being used in the evaluation, the NOAA Corps officer will be so informed and will be given the right to review such information. An exception may be made in cases where divulging such information could prove hurtful to the NOAA Corps officer's health or well being. Such determinations shall be made by the MRB. A person designated by the NOAA Corps officer, preferably a physician, may review such information.

**Part 6 – Disability Retirement or Discharge**

- B. The NOAA Corps officer undergoing disability evaluation may submit in writing any information he/she believes will assist the MRB in making an equitable finding. The NOAA Corps officer does not have a right to appear personally before the MRB and can not personally contact individual members of the MRB.
- C. The Director will inform the NOAA Corps officer undergoing disability evaluation the findings and the right of appeal, if applicable. The NOAA Corps officer has the right to appeal the findings (see NCD Chapter 10) of the MRB if:
  - (1) the NOAA Corps officer requested the fitness evaluation and is found fit for duty;
  - (2) the Director, or the aircraft commander, commanding officer or supervisor requested the evaluation and the NOAA Corps officer is found unfit; or
  - (3) the NOAA Corps officer disagrees with the rating of disability.
- D. A NOAA Corps officer may not be retired or discharged because of disability until the NOAA Corps officer has:
  - (1) made claim for compensation, pension, or hospitalization to be filed with the VA, or has refused to make such a claim; or
  - (2) signed a statement that the right to make such a claim has been explained to the NOAA Corps officer or has refused to sign such a statement.

A right that a NOAA Corps officer may assert after failing or refusing to sign a claim is not affected by that failure or refusal. [10 U.S.C. 1218] Nothing in this paragraph shall be construed to prevent the immediate transfer of an officer to a VA facility for necessary hospital care.

**08612 DISABILITY RETIREMENT**

- A. Permanent disability retirement is a disability that is permanent if, based on accepted medical principles, the disabling condition has stabilized so that the compensable percentage rating is not expected to change during the next five years or if the compensable disability rating is 80 percent or more and the disability will probably not improve so as to be ratable at less than 80 percent during the next five years. A NOAA Corps officer whose physical condition meets either of these requirements and who is otherwise qualified shall be permanently retired.

**Part 6 – Disability Retirement or Discharge**

- B. Emergency disability retirement is a retirement that will be processed under the same procedures as any other disability case. A NOAA Corps officer sustaining an acute, possibly fatal, injury or illness will not be eligible for disability retirement during the immediate emergency period.

The fact that death may, or is likely to, ensue during the emergency period is not grounds for disability retirement. However, after a reasonable period of observation and treatment (after 72 hours of hospitalization), if it becomes obvious that the condition causing the emergency will, or is likely to, result in permanent disability or death, the NOAA Corps officer or the next of kin acting on his/her behalf, may, after counseling from the Director, CPC, request disability retirement.

- C. Temporary disability is a disability which may be considered temporary when it has been determined not to be of a permanent nature, the NOAA Corps officer's condition has not stabilized, or the NOAA Corps officer may recover and become fit for duty (or the degree of severity may substantially change) within the next five years. In such cases, the NOAA Corps officer shall be removed from active duty and placed on the Temporary Disability Retired List (TDRL). The following applies to those NOAA Corps officers placed on the TDRL:

- (1) The NOAA Corps officer must undergo periodic medical examinations at 18-month intervals or less as determined by the MRB. The Director, CPC, will issue travel orders for this purpose. Failure to report for any periodic medical examination shall result in termination of the NOAA Corps officer's disability retired pay unless he/she can show good cause for failure to report. If disability retired pay is terminated and the NOAA Corps officer later provides good cause for failure to report, he/she may be reinstated on the TDRL and payments made retroactive for a period not to exceed 12 months. [10 U.S.C. 1210(a)]
- (2) The MRB will review the results of the periodic medical examinations and make one of the following recommendations to the Director:
  - (a) The NOAA Corps officer should be retained on the TDRL unless the examination is the final examination prior to the five year limit on the TDRL. If the NOAA Corps officer is retained, no change shall be made in the disability rating. However, if the NOAA Corps officer remains disabled, has less than 20 years active duty for retirement purposes, and the rating falls below 30 percent, the NOAA Corps officer shall be removed from the TDRL and discharged with severance pay. [10 U.S.C. 1210(e)]

**Part 6 – Disability Retirement or Discharge**

- (b) The NOAA Corps officer is found fit for return to duty, in which case the NOAA Corps officer shall, subject to personal consent, be called to active duty and, as soon thereafter as practicable, be reappointed to the active list as provided by law. If the NOAA Corps officer declines to return to active duty, disability retired pay ceases effective on the date the NOAA Corps officer was scheduled to report for active duty, and affiliation with the service terminates as of that date, except that a NOAA Corps officer who was eligible to retire for other than disability at the time of placement on the TDRL may, when removed from the list as physically fit, retire under other provisions of law. [10 U.S.C. 1210(f); 10 U.S.C. 1211]
- (c) The NOAA Corps officer is found permanently disabled, in which case the MRB shall reassess the disability, taking into account changes in conditions since the time of placement on the TDRL, and recommend to the Director, that the NOAA Corps officer be permanently retired pursuant to appropriate statutes. [10 U.S.C. 1210(c)] In reassessing the disability, nonservice-connected conditions, including those occurring during the TDRL period, are not rated.
- (d) The NOAA Corps officer, according to generally accepted medical principles, would likely benefit from a particular course of treatment without undue risk. If recommended, the NOAA Corps officer is expected to voluntarily place himself/herself under appropriate medical care.

**08613 DISABILITY RETIRE GRADE**

- A. A NOAA Corps officer retired for physical disability is entitled to be retired in the grade to which he/she would have been promoted had it not been for the physical disability for which retired and which was found to exist as a result of a physical examination for promotion. [10 U.S.C. 1372]

**08614 EFFECTIVE DATE OF DISABILITY RETIREMENT OR DISCHARGE**

- A. The date approved by the Director shall be the effective date of the disability retirement or discharge of any NOAA Corps officer permanently retired or discharged for physical disability, or transferred to the TDRL. [10 U.S.C. 1221]

**Part 6 – Disability Retirement or Discharge****08615 DISABILITY SEVERANCE PAY**

- A. A NOAA Corps officer discharged for disability is entitled to severance pay computed by multiplying years of service creditable under 10 U.S.C. 1208, not to exceed 12, by the method described below which will result in the highest amount of severance pay: [10 U.S.C. 1212]
- (1) twice the amount of monthly basic pay to which he/she would be entitled if serving;
    - (a) on active duty on the date when separated, and
    - (b) in the grade in which serving on the date when placed on the TDRL, or if not placed on the TDRL, on the date when separated.
  - (2) twice the amount of monthly basic pay to which he/she would be entitled if serving;
    - (a) on active duty on the date when placed on the TDRL or, if not carried on that list, on the date when separated, and
    - (b) in any temporary grade higher than that prescribed in (1) above, in which he/she served satisfactorily as determined by the uniformed service in which the service in the higher grade was performed.
  - (3) twice the amount of monthly basic pay to which he/she would be entitled if serving
    - (a) on active duty on the date when placed on the TDRL or, if not carried on that list, on the date when separated, and
    - (b) in the permanent grade to which he/she would have been promoted had it not been for the disability for which separated and which was found to exist as a result of a medical examination for promotion.
  - (4) twice the amount of monthly basic pay to which he/she would be entitled if serving;
    - (a) on active duty on the date when placed on the TDRL or, if not carried on that list, on the date when separated, and
    - (b) in the temporary grade to which he/she would have been promoted had it not been for the disability for which separated and which was found to exist as a result of a medical examination for promotion, if eligibility for promotion was required to be based on cumulative years of service or years in grade.



**Part 6 – Disability Retirement or Discharge**

- B. In computing years of service for disability severance pay purposes, a part of a year of active service that is six months or more is counted as a whole year, and a part of year that is less than six months is disregarded. [10 U.S.C. 1212(b)]
- C. The amount of disability severance pay received shall be deducted from any compensation for the same disability to which the NOAA Corps officer, or his/her dependents, may become entitled to under any law administered by the VA. However, no deduction may be made from any death compensation to which the NOAA Corps officer's dependents become entitled after his/her death. [10 U.S.C. 1212(c)]

**08616 PROVISIONS OF OTHER REFERENCES**

- A. Provisions of these directives relating to payment of retired pay and actions to be taken by a retiring NOAA Corps officer and his supervisor, are applicable to a NOAA Corps officer retiring for disability.

**GENERAL RULES GOVERNING AN APPEALS BOARD**

- A. A NOAA Corps officer who appeals the findings and recommendations of a U.S. Public Health Service Medical Review Board (MRB) is entitled to a reconsideration of the matter by a NOAA Corps Appeals Board (hereinafter referred to as "Board") and a final adjudication by the Director.
- B. The findings and recommendations of the MRB shall be presumed valid and the burden will be on the NOAA Corps officer concerned to rebut the presumption.
- C. An appeal shall have the effect of suspending the findings of the MRB.
- D. The NOAA Corps officer making the appeal (hereinafter referred to as the aggrieved officer) may utilize any desired counsel at personal expense to assist with the development and presentation of the appeal. There is no statutory authority that permits the Government to reimburse the aggrieved officer for any expenses incurred in the appeals process.
- E. The aggrieved officer will submit the appeal, in writing, to the Director. It must contain all matters, materials, and facts to be considered by the board (i.e., issues not stated in the appeal will not be considered by the board except upon motion by the aggrieved officer and ruled on by the chair of the board).
- F. Strict rules of evidence will not apply to the proceedings. However, the hearing will be conducted in such a manner as to ensure an equitable result.
- G. Medical and other pertinent information considered by the MRB shall be incorporated into the board record. This may be accomplished by reference.
- H. Board membership consists of at least two medical officers who have not previously examined the aggrieved officer in connection with the findings of disability, and at least three active-duty NOAA Corps officers who, whenever feasible, shall be senior to the aggrieved officer. The Director appoints board members. The Director will also appoint one member to serve as Chair of the Board.
- I. The board may request and receive any pertinent material, facts, or expert technical advice that it feels will aid in achieving an equitable result.
- J. The aggrieved officer and the board members will be provided with copies of pertinent records:
  - (1) The board members will be provided reasonable time to review the records prior to the hearing date; and
  - (2) the aggrieved NOAA Corps officer may request additional records, in writing, pursuant to the Privacy Act of 1974.

- K. If the aggrieved NOAA Corps officer fails to appear before the board on the date and at the time specified, the board will proceed and make a determination on the record. However, in the event of a bona fide emergency (e.g., acute illness or injury) the hearing may be postponed to a later date with the approval of the Director.
- L. Direct contact between board members, the aggrieved officer or his/her counsel, and MRB members is deemed inappropriate. Therefore, all matters regarding MRB actions that are being appealed are to be referred to the Director, CPC.
- M. The Director, CPC, or the Director, Office of Health Services and Pastoral Care (OHSRC) may discuss with the aggrieved NOAA Corps officer, his/her counsel, or board members, procedural matters relating to the hearing. However, the merits of the case may not be discussed with the above parties prior to the hearing.

**RESPONSIBILITIES OF THE AGGRIEVED OFFICER**

- A. Timely action is essential in order to provide expeditious resolution of the matter. Therefore, the aggrieved officer is required to:
  - (1) file a statement of intent to appeal within seven calendar days of receipt of notice of the MRB findings;
  - (2) notify the Director, CPC, of the name, address and telephone number of any person who has been retained as counsel in the appeal;
  - (3) file a complete statement of appeal, which addresses all matters, materials or facts at issue, within 30 calendar days from the date of receipt of the MRB report; and
  - (4) arrange for witnesses to appear at the hearing on his/her behalf at no expense to the Government.
- B. The Director, CPC, in coordination with the Director, OHSPC, will establish a hearing date no later than 30 days after receipt of the statement of appeal. The Director, under extenuating circumstances, may grant an exception to this deadline.

**BOARD PROCEDURES**

- A. The Chair shall convene the board and administer the oath to the members. One of the members shall administer the oath to the chair.
- B. The aggrieved officer or his/her counsel may make a statement regarding dissatisfaction with the MRB findings. Supporting evidence by written or oral statements from expert technical witnesses may also be presented to the board.

- C. The Board members may question the aggrieved officer, and/or witnesses in order to obtain more information and/or clarification.
- D. The Director, OHSPC, shall, be present at the hearing to make statements for purposes of clarifying the record, applicable statutes, directives, and policies, and to respond to questions by the aggrieved officer, his/her counsel, or members of the board. In addition, the board may request the presence of counsel from the Department of Commerce's Office of General Counsel to assist the board with respect to NOAA Corps directives and policies with regard to disabilities.
- E. The Chair of the board shall ensure that the hearing is conducted in an orderly manner. The Chair may limit any statements to material or information that the Board finds to be pertinent or helpful to an equitable resolution. If the aggrieved officer, his/her counsel, expert witnesses, or any other party to the proceedings is not present, the Chair may decide whether or not to continue the board proceedings or temporarily adjourn the board.
- F. A verbatim transcript of the hearing shall be prepared when practicable. When this is not practicable the recorder will maintain a record of all sessions of the board, including times of convening and adjourning, names of persons appearing before the board, a résumé of their statements, and a description of all documentary material introduced. In the event no verbatim transcript is made, the aggrieved officer and/or his/her counsel, if any, shall be given an opportunity to verify the record and to certify to its correctness. Such certification must be postmarked no later than seven calendar days from date of receipt of the record. Use of a tape recorder is authorized; however, its use does not constitute a verbatim transcript.
- G. After the hearing has adjourned, the board members will:
  - (1) consider the record and all information obtained during the hearing; and
  - (2) based on the applicable provisions of 10 U.S.C. Chapter 61 and the material presented to the board, prepare a report to the Director that will include a recommendation as to whether or not the aggrieved officer should be retained on active duty, retired for disability, or separated from the NOAA Corps, and the reasons therefore, and as appropriate, rate the disability in accordance with the Department of Veterans Affairs Schedule for Rating Disabilities as modified by DOD Directive 1332.18.